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STATE OF NEBRASKA

**STATUTES RELATING TO
ENVIRONMENTAL HEALTH SPECIALISTS**

NEBRASKA HEALTH AND HUMAN SERVICES SYSTEM



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ENVIRONMENTAL HEALTH SPECIALISTS

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STATUTES PERTAINING TO ENVIRONMENTAL HEALTH SPECIALISTS

71-3701. Transferred to section 71-3705.01.

71-3702. Terms, defined. For purposes of sections 71-3702 to 71-3715, unless the context otherwise requires:

(1) Board shall mean the Board of Registration for Environmental Health Specialists;

(2) Environmental health specialist shall mean a person who by education and experience in the physical, biological, and sanitary sciences is qualified to carry out educational, investigational, and technical duties in the field of environmental sanitation;

(3) Registered environmental health specialist shall mean a person who has the educational requirements and has had experience in the field of environmental sanitation required by section 71-3703 and is registered in accordance with sections 71-3702 to 71-3715;

(4) Trainee shall mean a person who is qualified by education but does not have at least one full year of experience in the field of environmental sanitation and is registered in accordance with sections 71-3702 to 71-3715;

(5) Certificate of registration shall mean a document issued as evidence of registration and qualification to practice as an environmental health specialist or trainee under sections 71-3702 to 71-3715, bearing the designation Registered Environmental Health Specialist or Trainee, and showing the name of the person, date of issue, serial number, seal, and signatures of the members of the board authorized to grant such certificates; and

(6) Department shall mean the Department of Health and Human Services Regulation and Licensure.

Source: Laws 1963, c. 400, § 2, p. 1279; Laws 1989, LB 344, § 27; Laws 1991, LB 703, § 38; Laws 1996, LB 1044, § 666; Laws 2003, LB 242, § 116. Operative date July 1, 2004.

71-3703. Registration; qualifications; exception; term. Any person desiring to be registered as an environmental health specialist may make application to the board on a form prescribed by the board. The application shall include the applicant's social security number. The board shall accept such application when submitted if accompanied by the required fees established and collected as provided in section 71-162. A person shall be eligible for registration under sections 71-3702 to 71-3715 if he or she has graduated with a baccalaureate or higher degree from an accredited college or university, has satisfactorily completed at least forty-five quarter hours or thirty semester hours of academic work in the basic natural sciences, has been employed full time as an environmental health specialist for a period not less than one year, and has passed an examination given and conducted by the board under section 71-3705, except that a person holding a degree higher than a baccalaureate degree who has satisfactorily completed at least forty-five quarter hours or thirty semester hours of academic work in the basic natural sciences may qualify when employed as an environmental health specialist for a period of not less than six months.

Source: Laws 1963, c. 400, § 3, p. 1279; Laws 1989, LB 344, § 28; Laws 1991, LB 703, § 39; Laws 1997, LB 752, § 182; Laws 2003, LB 242, § 117. Operative date July 1, 2004.

71-3704. Trainee; registration; application; form; term. Any person meeting the educational qualifications of section 71-3703 but who does not meet the experience requirements of such section may make application to the board on a form prescribed by the board for registration as a trainee. The board shall accept such application when submitted if accompanied by the required fees.

Source: Laws 1963, c. 400, § 4, p. 1280; Laws 1989, LB 344, § 29; Laws 1991, LB 703, § 40; Laws 2003, LB 242, § 118. Operative date July 1, 2004.

71-3705. Examination; requirements; reexamination. (1) Only a person who meets the educational and experience requirements in section 71-3703 shall be eligible for admission to examination for registration as an environmental health specialist.

(2) Examinations for registration as an environmental health specialist under sections 71-3702 to 71-3715 shall be administered not less than once each calendar year and at such times and places in this state as may be specified from time to time by the board. Such examinations may be written, oral, or both and shall include applicable subjects in the field of sanitary science and such other subjects pertinent to the qualifications of environmental health specialists as the board may prescribe. The examination papers shall not disclose the name of the applicant but shall be identified by a number assigned by the secretary of the board. The preparation of the examination shall be the responsibility of the board, but the board may use material prepared by recognized examination agencies.

(3) The department may adopt and promulgate rules and regulations to provide for the review of procedures for the development and administration of examinations and to protect the security of the content of examination questions and answers. The department shall not enter into an agreement to adopt an examination from a national testing service without first obtaining from that service detailed documentation of the process of examination development and maintenance.

(4) A person shall not be registered if he or she fails to meet the minimum grade requirements for examination specified by the board. If an applicant fails to meet such minimum grade requirements in his or her first examination, he or she may be

reexamined after a lapse of not less than sixty days at such a place as designated by the board by resubmitting his or her application along with the required examination fee.

(5) The examination papers and records pertaining thereto shall be filed with the secretary of the board and retained for at least one year.

Source: Laws 1963, c. 400, § 5, p. 1280; Laws 1987, LB 473, § 48; Laws 1989, LB 344, § 30; Laws 1991, LB 703, § 41; Laws 2003, LB 242, § 119. Operative date July 1, 2004.

71-3705.01. Board of Registration for Environmental Health Specialists; created. There is hereby created a Board of Registration for Environmental Health Specialists to register qualified environmental health specialists whose duties in environmental sanitation require a knowledge of physical, biological, and sanitary sciences and whose professional pursuits and duties are necessary to the promotion of life, health, and prosperity of the state's citizens.

Source: Laws 1963, c. 400, §1, p. 1279; R.S. 1943, (1986), §71-3701; Laws 1991, LB 703, §42. Operative date September 6, 1991.

71-3706. Board; members; appointment; qualifications; compensation; conflicts of interest. The Board of Registration for Environmental Health Specialists shall consist of six members appointed by the State Board of Health. One member shall be a layperson who is at least the age of majority, who has been a resident of the state for at least five years immediately preceding appointment, and who is a representative of consumer viewpoints. Each of the other members shall have been engaged in environmental health for at least ten years, shall have had responsible charge of work for at least five years at the time of his or her appointment, and shall be a registered environmental health specialist. Each member of the Board of Registration for Environmental Health Specialists shall receive as compensation not more than twenty-five dollars per day for each day actually spent in traveling to and from and while attending sessions of the board and its committees, and each member shall also receive the necessary expenses incident to the performance of his or her duties as provided by sections 81-1174 to 81-1177 and subject to section 71-3708.01.

The Department of Health and Human Services Regulation and Licensure shall adopt and promulgate rules and regulations which establish definitions of conflicts of interest for members of the board and which establish procedures in the case such a conflict arises.

Source: Laws 1963, c. 400, §6, p. 1281; Laws 1969, c. 578, §1, p. 2326; Laws 1981, LB 204, §127; Laws 1987, LB 473, §49; Laws 1991, LB 703, §43; Laws 1993, LB 375, §4; Laws 1994, LB 1223, §46; Laws 1996, LB 1044, §667. Operative date January 1, 1997.

71-3707. Board; members; term; vacancies; removal. One appointive member of the board shall be designated for a term expiring December 31, 1964, one shall be designated for a term expiring December 31, 1965, and two shall be designated for terms expiring December 31, 1966. The layperson shall be appointed for a three-year term beginning on January 1, 1995. Thereafter the term of office of each board member shall be for three years. Vacancies shall be filled by appointment by the State Board of Health for unexpired terms. The State Board of Health shall have power to remove from office any member of the Board of Registration for Environmental Health Specialists, after a public hearing pursuant to the Administrative Procedure Act, for physical or mental incapacity to carry out the duties of a board member, for continued neglect of duty, for incompetency, for acting beyond the individual member's scope of authority, for malfeasance in office, for any cause for which a registration may be suspended or revoked, for a lack of registration in the member's profession, or for other sufficient cause.

Source: Laws 1963, c. 400, §7, p. 1281; Laws 1993, LB 375, §5; Laws 1994, LB 1223, §47. Operative date April 16, 1994.

71-3708. Board; organization; meetings; quorum. (1) The members of the board shall organize as soon as appointed and, annually thereafter in the month of April, shall elect from their number a chairperson, a vice-chairperson, and a secretary. The secretary shall continue in office at the pleasure of the board.

(2) The board shall make such rules as are necessary to carry out sections 71-3702 to 71-3715.

(3) The board shall hold at least one meeting each year to review and evaluate applications for registration as environmental health specialists or trainees, conduct examinations, review and approve all bills, prepare and approve reports, and transact all other business as may be necessary to carry out sections 71-3702 to 71-3715. Only board members shall be entitled to vote at board meetings.

(4) The board shall issue certificates of registration to applicants who have been found qualified as environmental health specialists or trainees, to which certificate the official seal of the board has been affixed.

(5) Four members of the board shall constitute a quorum, and special meetings of the board shall be called by the secretary upon written request of any two members of the board or upon a written request signed by ten registered environmental health specialists.

(6) All board meetings shall be open to any registered environmental health specialist.

Source: Laws 1963, c. 400, § 8, p. 1282; Laws 1969, c. 578, § 2, p. 2326; Laws 1974, LB 280, § 2; Laws 1981, LB 545, § 24; Laws 1983, LB 542, § 1; Laws 1991, LB 703, § 44; Laws 1994, LB 1066, § 69; Laws 1994, LB 1223, § 48; Laws 1996, LB 1044, § 668; Laws 1997, LB 307, § 188; Laws 2003, LB 242, § 120. Operative date July 1, 2004.

71-3708.01. Board; annual national meeting; member attend; expenses. The board may select one of its members to attend the annual meeting of the national organization of state boards of registration of such profession. The member so selected shall receive his or her necessary traveling and hotel expenses in attending such meeting if there are funds available belonging to the board.

Source: Laws 1969, c. 578, §3, p. 2328; Laws 1991, LB 703, §45. Operative date September 6, 1991.

71-3709. Board; records; registry; maintain. (1) The board shall keep a record of its proceedings.

(2) The board shall maintain a register of all applications for registration which shall show (a) the place of residence, name, and age of each applicant, (b) the name and address of the employer or business connection of each applicant, (c) the date of application, (d) complete information of educational and experience qualifications, (e) the action taken by the board, (f) the serial number of the certificate of registration issued to the applicant, (g) the date on which the board reviewed and acted upon the application, and (h) such other pertinent information as may be deemed necessary by the board.

(3) The board shall maintain a current registry of all environmental health specialists and trainees in the State of Nebraska who have been registered in accordance with the provisions of sections 71-3702 to 71-3715.

(4) The board shall maintain a current registry of the continuing competency requirements completed by each registered environmental health specialist and each registered trainee in accordance with section 71-3710.

Source: Laws 1963, c. 400, § 9, p. 1283; Laws 1983, LB 542, § 1; Laws 1991, LB 703, § 46; Laws 2002, LB 1021, § 79. Operative date January 1, 2003.

71-3710. Registration; application; renewal; continuing competency; exemptions. (1) The board shall prescribe and provide an application form for the use of all applicants. Applicants for registration as environmental health specialists and for registration as trainees shall submit fees for credentialing activities as provided in section 71-162.

A registered environmental health specialist may renew his or her registration by paying the renewal fee as provided in section 71-162. Such fee shall be due and payable on or before January 1 of each odd-numbered year for which a renewal registration is issued. All registrations shall expire on December 31 of each even-numbered year. Procedures for renewal shall be in accordance with section 71-110.

In no case shall registration for a trainee exceed a two-year period.

(2) Each registered environmental health specialist or trainee in active practice in the state shall, on or before December 31 of each even-numbered year, complete continuing competency activities as required by the board and adopted and promulgated by the department in rules and regulations as a prerequisite for the registrant's next subsequent biennial registration renewal. Continuing education is sufficient to meet continuing competency requirements. The requirements may also include, but not be limited to, one or more of the continuing competency activities listed in section 71-161.09 which a registrant may select as an alternative to continuing education.

Each registered environmental health specialist and trainee in active practice within the State of Nebraska shall, on or before December 31 of each even-numbered year, certify to the department that he or she has complied with this subsection during the preceding two-year period. Any registrant who has not complied with such requirements shall not be issued a renewal registration except if he or she is exempt as provided in subsection (3) of this section. Procedures for nonrenewal of the registration of such registrants shall be identical to those for nonpayment of renewal fees as provided in sections 71-110 and 71-149. In cases other than nonrenewal, the procedures in sections 71-149 and 71-150 for refusal to renew shall apply.

(3) A registrant shall be exempt from the requirements of subsection (2) of this section if he or she:

(a) Holds a Nebraska certificate of registration but is not practicing as a registered environmental health specialist or registered trainee in Nebraska;

(b) Serves in the regular armed forces of the United States during any part of the twenty-four months immediately preceding the biennial certificate of registration renewal date;

(c) Attends a college, university, or other institution of higher education for a residence period of time in excess of eight months during any part of the twenty-four months immediately preceding the biennial certificate of registration renewal date;

(d) Submits proof that he or she was suffering from a serious or disabling illness or physical disability during the twenty-four months immediately preceding the biennial certificate of registration renewal date which prevented his or her completion of continuing competency requirements established by the board;

(e) Had first registered within the twenty-four months immediately preceding the biennial certificate of registration renewal date; or

(f) Is a registered environmental health specialist in good standing with the board who has completely retired from the active practice of environmental sanitation.

Source: Laws 1963, c. 400, § 10, p. 1283; Laws 1969, c. 578, § 4, p. 2328; Laws 1983, LB 542, § 3; Laws 1986, LB 926, § 61; Laws 1988, LB 1100, § 145; Laws 1991, LB 703, § 47; Laws 1994, LB 1210, § 122; Laws 1994, LB 1223, § 49; Laws 1997, LB 307, § 189; Laws 2002, LB 1021, § 80; Laws 2003, LB 242, § 121. Operative date July 1, 2004.

71-3711. Disciplinary actions; procedure. Disciplinary actions and proceedings shall be carried out in accordance with the Uniform Licensing Law.

Source: Laws 1963, c. 400, §11, p. 1284; Laws 1988, LB 1100, §146; Laws 1991, LB 456, §35. Effective date September 6, 1991.

71-3712. Reciprocal registration; requirements. The procedures and requirements for a reciprocal registration with other states shall be in accordance with sections 71-139 to 71-144.

Source: Laws 1963, c. 400, § 12, p. 1284; Laws 1988, LB 1100, § 147; Laws 2003, LB 242, § 122. Operative date July 1, 2004.

71-3713. Title or abbreviation; use; when. Only a person who has qualified as a registered environmental health specialist and who holds a valid current registration certificate for use in this state shall have the right and privilege of using the title Registered Environmental Health Specialist and to use the abbreviation R.E.H.S. after his or her name.

Source: Laws 1963, c. 400, §13, p. 1285; Laws 1991, LB 703, §48. Operative date September 6, 1991.

71-3714. Registered environmental health specialist; misrepresentation; unlawful. It shall be unlawful for any person to represent himself or herself as a registered environmental health specialist without being duly registered and the holder of a currently valid certificate of registration issued by the board.

Source: Laws 1963, c. 400, §14, p. 1285; Laws 1991, LB 703, §49. Operative date September 6, 1991.

71-3715. Violations; penalty. Any person who violates any of the provisions of sections 71-3702 to 71-3715 shall be guilty of a Class III misdemeanor.

Source: Laws 1963, c. 400, §15, p. 1285; Laws 1977, LB 39, §173. Operative date January 1, 1979.